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| Report Title: | Appointment of Local Authority Representatives to Governing Bodies of Schools in the Royal Borough |
| Contains Confidential or Exempt Information? | Part I except for - YES – Appendix A Part II (Not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972) |
| Member reporting: | Cllr Natasha Airey, Lead Member for Children's Services |
| Meeting and Date: | Cabinet Local Authority Governors Appointments Sub Committee – 5 October 2017 |
| Responsible Officer(s): | Alison Alexander, Managing Director Mary Kilner, Head of Law and Governance |
| Wards affected: | Boyn Hill, Clewer North, Clewer South, Maidenhead Riverside, Old Windsor and Hurley and Walthams. |

REPORT SUMMARY

1. This report deals with vacancies that have arisen or will shortly arise for Local Authority (LA) representatives on school governing bodies, of maintained or academy schools, within the Royal Borough, and of nominations that have been received, so that appointments/recommendations may be made.
2. These recommendations are being made in order that the LA may be represented on school governing bodies.
3. There are no financial implications for the Council.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet Local Authority Governors Appointments Sub Committee notes the report and:

- i. **Appoint/reappoint or recommend for appointment/reappointment the most suitable applicants.**
- ii. **Notes the approach taken by Academies within The Royal Borough of Windsor and Maidenhead in relation to the Local Authority governor representative role, as detailed in Table 4.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 These recommendations are made in order that the Local Authority may be represented on school governing bodies.

Table 1: Options

| Option | Comments |
|---|--|
| To select/recommend an appropriate applicant from those | If it is deemed that the skills and knowledge of the applicants meet the |

| Option | Comments |
|---|--|
| available. Recommended option. | needs of the schools it will be an advantage to the governance resource of that school to endorse the application immediately. |
| To defer some/all appointments/recommendations to a future meeting. Not recommended. | The DfE recommends that appointments should normally be made to fill vacancies within three months. Any deferral could delay this process. |
| To note the approach taken by each Academy in relation to the LA governor representative role. N/A for this report. | There is no requirement for Academies to have an LA governor representative. However, if they choose to do so, there can be no more than one LA governor representative on the Academy's governing body. |

Applications received and Local Authority vacancies to-date

- 2.2 There are no Local Authority Governor vacancies where appointment is directly made by the LA Governors Appointments Sub Committee for consideration at this meeting.
- 2.3 There are five vacancies and four potential appointments, see table 2. Where applicants have come forward, these positions can all be considered and recommendations made to the School Governing Body under the statutory guidance on School Governance (Constitution) (England) Regulations 2012 by the Cabinet LA Governors Appointments Sub Committee.

Table 2: Sub-committee recommendations

| School | Ward | Name of Applicant | Number of Vacancies | Vacant From | Comment |
|----------------------------------|--------------|-----------------------------|----------------------------|--------------------|-------------------------------------|
| All Saints Junior School | Boyn Hill | Holly Naughton Sajjad Ahmed | 1 | 15 November 2016 | Comments from School in Appendix A. |
| Hilltop First School | Clewer South | Lars Swann | 1 | 22 October 2016 | Comments from School in Appendix A. |
| The Royal School | Old Windsor | Rachel Smillie | 1 | 26 September 2017 | Comments from School in Appendix A. |
| St Edwards Catholic First School | Clewer North | No applicant | 1 | 18 September 2017 | Position being advertised |

| School | Ward | Name of Applicant | Number of Vacancies | Vacant From | Comment |
|------------------------|---------------------|----------------------------|---------------------|--------------|--------------------------|
| Woodlands Park Primary | Hurley and Walthams | Amran Hussain Sajjad Ahmed | 1 | 10 June 2016 | Awaiting School Comments |

Governors seeking re-appointment

- 2.4 When a Local Authority Governor is nearing the end of their term a letter is sent to the governor inviting them to apply for re-appointment for a further term of office. In accordance with the terms of reference, current post holders are not required to complete a further application form, see table 3.

Table 3: Sub-committee reappointment recommendations

| School | Ward | Term Ends | Applicants | Comment |
|--------------------------|----------------------|------------------|--------------|--------------------------|
| Riverside Primary School | Maidenhead Riverside | 19 November 2017 | Simon Dudley | Awaiting School Comments |

- 2.5 If the Sub Committee appoint/recommend where candidates are available (four recommendations for appointment), the vacancy rate will be 2.56% of all LA governors; this equates to one vacancy out of a total of 39 positions over all schools.

2.6 Academies' approach regarding the retention of LA appointed governors

There is no requirement for Academies to have a Local Authority governor representative. If they choose to do so, there can be no more than one LA governor representative on the Academy's governing body as per Department for Education (DfE) guidance. When schools are considering converting to academy status governor services will contact schools prior to the academy order being issued to establish ongoing requirements regarding the LA governor position going forward as an academy member. The Sub Committee is therefore requested to note the approach taken by each Academy as detailed in table 4.

Table 4: Academy approach to LA governor appointments

| Academy | LA Governors Prior to Conversion to Academy Status | Academies' Approach Regarding the Retention of LA Appointed Governors |
|---------------|---|--|
| Bisham School | No LA Governor as they were an IEB not a governing board. | Bisham School is now part of the Ashley Hill Multi Academy Trust (Converted 1st September 2017) - Their Articles of Association does not require a LA governor on their local governing Board. |

3. KEY IMPLICATIONS

Table 5: Key Implications

| Outcome | Unmet | Met | Exceeded | Significantly Exceeded | Date of delivery |
|---|--------------|------------|-----------------|-------------------------------|-------------------------|
| Appointment to vacant LA Governor positions | <100% | 100% | n/a | n/a | 17 October 2017 |

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no financial implications of this report.

5. LEGAL IMPLICATIONS

5.1 Local Authorities are entitled to representation on the Governing Bodies (GB) of maintained schools in accordance with the School Governance (Constitution) (England) Regulations 2012. LA's are entitled to have only one LA governor on each Governing Body. A person may not be appointed as an LA governor if they are entitled to be a staff governor. The process as set out in Part 3 A, 2.17 of the Royal Borough Constitution, outlines the process for the appointment of school governors.

5.2 The School Governance (Constitution) (England) Regulations 2012 SI 2012/1034 regulations provide that for any GB:

- (i) constituted under an Instrument of Governance (IoG) that takes effect after 1 September 2012; or
- (ii) constituted under an IoG that took effect before 1 September 2012 who properly decide to vary that IoG post 1 September 2012

the Local Authority (LA) may only nominate a person to be appointed as a LA representative on that GB but that it would be the GB themselves who would decide whether the nominee meets the GB eligibility criteria i.e. the GB do not have to appoint the LA's appointed nominee.

N.B. the GB, as a public body, would be subject to the principles of public law i.e. any decision to reject a LA nominee would have to be reasonable and in accordance with any policy and eligibility criteria that they may have, which would also have to be reasonable.

5.3 In relation to Academies, there is no formal legal advice on the issue of LA governors, but there is informal guidance from the DfE. This states there is no obligation for the Academy to agree to include an LA governor in the governing body, but if they do so, then there can only be one and the LA can decide upon the specific identity of the LA governor.

5.4 In the first instance of an Academy being established, a trust/governing body will need to make sure that at any one time the number of LA associated

persons is not greater than 20% of the total number of governors/members. If this is the case then those governors/members who are deemed to be LA associated persons will have to resign in order of their appointment date – the most recently appointed resigning first.

6. RISK MANAGEMENT

Table 6: Risks and Mitigation

| Risks | Uncontrolled Risk | Controls | Controlled Risk |
|---|--------------------------|---|------------------------|
| LA will not be represented on school governing bodies | Medium | Continuous advertising and promotion of vacancies plus monitoring of current LA governors' term of office end dates | Low |

7. POTENTIAL IMPACTS

7.1 None.

8. CONSULTATION

- 8.1 Governing bodies are invited to comment on candidates' suitability for reappointment and to submit nominations to fill these and any casual vacancies that arise. Where a school has expressed a view, this is noted in the candidate's details as listed in the Part II appendix A.
- 8.2 Following the closing date for receipt of applications, those applicants who have not requested one particular school are matched to current vacancies, taking account of a variety of factors including any expressed requirements or preferences of both schools and candidates, and the proximity of a school to a candidate's home or business address. As far as possible, schools and applicants are then contacted to discuss options available and to ascertain that they have no objection to the recommendation proposed.
- 8.3 All Members will receive email notification when the Sub Committee agenda is published.

9. TIMETABLE FOR IMPLEMENTATION

Table 7: Timetable for Implementation

| Date | Details |
|-----------------|--|
| 17 October 2017 | On appointment or recommendation for appointment (subject to call-in) successful applicants and the relevant |

| Date | Details |
|-------------------------------|---|
| | governing body are notified of the appointment in writing. |
| Ongoing following appointment | All new governors are provided with full training by Governor Services. |

9.1 Implementation date if not called in: 17 October 2017

10. APPENDICES

10.1 Appendix A – Full details regarding candidates seeking appointment (Part II in accordance with the Data Protection Act 1998).

11. BACKGROUND DOCUMENTS

11.1 N/A

12. CONSULTATION (MANDATORY)

| Name of consultee | Post held | Date sent | Commented & returned |
|--------------------------|-------------------------------------|------------------|---------------------------------|
| Cllr Airey | Lead Member for Children's Services | 27/09/17 | 27/09/17 |
| Alison Alexander | Managing Director | 25/09/17 | No Comments |
| Mary Kilner | Head of Law and Governance | 19/09/17 | 19/09/17 |
| Kevin McDaniel | Director of Children's Services | 19/09/17 | No Comments |
| Karen Shepherd | Democratic Services Manager | 12/09/17 | 12/09/17 |

REPORT HISTORY

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|--|----------------------------|
| Decision type: Key decision | Urgency item? No |
| Report Author: Shilpa Manek, Democratic Services Officer, 01628 796310 | |